

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

EARL RASHEED DAVIS,

Chapter 11

Debtor.

Case No. 18-40766 (cec)

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EARL RASHEED DAVIS and JCR PARTNERS, LLC,

Plaintiffs,

Adv. Proc. No. 19-01108 -(cec) --

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-against-

LAKISHA HAWTHORNE, ELAINE BROWN, and
NEW YORK CITY HOUSING AUTHORITY,

Defendants.

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**PLAINTIFFS' OBJECTION TO DEFENDANT HAWTHORNE'S REPLY
IN FURTHER SUPPORT OF HER PRE-ANSWER MOTION TO DISMISS OR FOR
ABSTENTION**

Plaintiffs Earl Rasheed Davis and JCR Partners, LLC, object to arguments and relief requested for the first time in Defendant Lakisha Hawthorne's ("Hawthorne") reply (**DE # 14**) in further support of her motion (**DE ## 7, 8**) for an order dismissing the Complaint (**DE # 1**) in this adversary proceeding under Bankruptcy Rule 7012 (Fed. R. Civ. P. 12[b][6]) or for abstention. The following arguments are all raised for the first time in Hawthorne's reply and therefore should not be considered:

1. Point C: The *Rooker-Feldman* doctrine;
2. Point D: *Res judicata* and collateral estoppel;
3. Point E: Request for an injunction against Plaintiff Davis's prosecution of this

action.

Should the Court nonetheless decide to consider Hawthorne's belated arguments, Plaintiffs request leave and ten days to submit a sur-reply.

Dated: December 4, 2019

GORDON & HAFFNER, LLP

Attorneys for Plaintiffs

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